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DATE FILED: 12/3/19

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

LINA ZHITNIK,

Defendant.

x
:
:
: CONSENT PRELIMINARY ORDER
OF FORFEITURE/
: MONEY JUDGMENT
:
: S3 16 Cr. 763 (LGS)

----- x
WHEREAS, on or about February 8, 2018, LINA ZHITNIK (the "defendant"), was charged in a Superseding Indictment, S3 16 Cr. 763 (LGS) (the "Indictment"), with conspiracy to commit health care fraud, mail fraud and wire fraud, in violation of Title 18, United States Code, Section 1349 (Count One); health care fraud, in violation of Title 18, United States Code, Sections 1347 and 2 (Count Two); mail fraud, in violation of Title 18, United States Code, Sections 1341 and 2 (Count Three); wire fraud, in violation of Title 18, United States Code, Sections 1343 and 2 (Count Four); and conspiracy to make false statements relating to health care matters, in violation of Title 18, United States Code, Section 371 (Count Five);

WHEREAS, the Indictment included, among other forfeiture allegations, a forfeiture allegation as to Count One, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code,

Section 2461, of any and all property, real or personal, that constitutes or is derived, directly or indirectly, from proceeds traceable to the commission of the offense alleged in Count One of the Indictment;

WHEREAS, the Indictment also included a second forfeiture allegation, among other forfeiture allegations, as to Count Two, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 982(a)(7), of any and all property, real or personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of the offense charged in Count Two of the Indictment, including but not limited to a sum of United States currency representing the amount of proceeds obtained as a result of the offense charged in Count Two of the Indictment;

WHEREAS, on or about April 1, 2019, the defendant pled guilty to Counts One and Two, pursuant to a plea agreement with the Government, wherein the defendant admitted the forfeiture allegation with respect to Counts One and Two of the Indictment, and agreed to forfeit, a sum of money equal to \$89,682 in United States currency, representing proceeds traceable to the commission of the offenses charged in Counts One and Two of the Indictment;

WHEREAS, the defendant consents to the entry of a money judgment in the amount of \$89,682 in United States currency

representing the amount of proceeds derived from the offenses charged in Counts One and Two of the Indictment that the defendant personally obtained; and

WHEREAS, the defendant admits that, as a result of acts and/or omissions of the defendant, the proceeds derived from the offenses charged in Counts One and Two of the Indictment that the defendant personally obtained cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Geoffrey S. Berman, United States Attorney, Assistant United States Attorneys David Raymond Lewis, Stephen J. Ritchin, and Timothy V. Capozzi, of counsel, and the defendant, and her counsel, Susan G. Kellman, Esq., that:

1. As a result of the offenses charged in Counts One and Two of the Indictment, to which the defendant pled guilty, a money judgment in the amount of \$89,682 in United States currency (the "Money Judgment"), representing the amount of proceeds derived from the offenses charged in Counts One and Two of the Indictment that the defendant personally obtained, shall be entered against the defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of

Forfeiture/Money Judgment is final as to the defendant, LINA ZHITNIK, and shall be deemed part of the sentence of the defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable, in this instance to the "United States Marshals Service", and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Asset Forfeiture Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the defendant's name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to 21 U.S.C. § 853(p), the United States is authorized to seek forfeiture of substitute assets of the defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

8. The Clerk of the Court shall forward three certified copies of this Consent Preliminary Order of Forfeiture/Money Judgment to Assistant United States Attorney Alexander J. Wilson, Chief of the Money Laundering and Transnational Criminal Enterprises Unit, United States Attorney's Office, One St. Andrew's Plaza, New York, New York 10007.

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9. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

GEOFFREY S. BERMAN
United States Attorney for the
Southern District of New York

By:

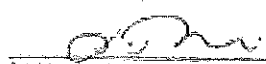

DAVID RAYMOND LEWIS

10/31/19
DATE

STEPHEN J. RITCHIN
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(212) 637-2397/2226

LINA ZHITNIK

By:


LINA ZHITNIK

3/29/19
DATE

By:


SUSAN G. KELLMAN
Attorney for Defendant

7/24/19
DATE

SO ORDERED:


HONORABLE LORNA C. SCHOFIELD
UNITED STATES DISTRICT JUDGE

12/3/19
DATE